regulations that are needed to effectuate the provisions of the order regulating the handling of milk in the Order 2 marketing area. These rules and regulations are, and will continue to be, issued to facilitate the administration of the order and are updated as necessary, published, and made available to interested parties. Industry representatives may request a copy of the rules and regulations from the market administrator at any time.

This action will not change the rules and regulations previously issued by the Order 2 market administrator and now in effect to carry out the regulatory provisions of the order. Order 2 establishes specific procedures that must be followed by the market administrator in revising the rules and regulations. It also sets forth methods whereby interested parties are informed about proposals to change the rules and regulations and how they may participate in the promulgation process.

The printing and procedural functions involving the implementation of rules and regulations for Order 2 are accomplished by the market administrator in the performance of his duties. These matters are being adequately performed by the Order 2 market administrator. Thus, it should not be necessary to replicate the market administrator's efforts by requiring that certain portions of the rules and regulations, all of which must be approved by the Secretary, be published in the Federal Register or that the Order 2 subparts containing the rules and regulations be published in the Code of Federal Regulations each year. Furthermore, this action is consistent with the President's regulatory reform initiative.

Accordingly, with regard to the termination of the provisions of the order as hereinafter set forth, it is found in accordance with the Act that these provisions no longer tend to effectuate the declared policy of the Act. Pursuant to 5 U.S.C. 553, it is hereby found and determined, upon good cause, That it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule in effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because, except for order provisions concerning publication in the Federal Register, this action will not affect the operation or administration of the order or the provisions issued thereunder.

Written comments are invited from interested parties concerning this action.

List of Subjects in 7 CFR Part 1002

Milk marketing orders.

Order

For the reasons set forth in the preamble, 7 CFR part 1002 is amended as follows:

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. The authority citation for 7 CFR part 1002 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 1002.77 [Amended]

2. In § 1002.77, paragraph (i)(1), the words ''published in the Federal Register and'' are removed.

3. In § 1002.77, paragraph (i)(3), the words ''approval, and shall be published in the Federal Register following such'' are removed.

§§ 1002.300–1002.353 [Removed]

4. In part 1002, Subpart—Conduct of Hearings Relating to Suspended Cooperative Payments (§§ 1002.300 through 1002.353) is removed.

§§ 1002.400–1002–444 [Removed]

5. Subpart—Cooperative Payment Rules and Regulations Approval of Tentative Amendment, §§ 1002.400 through 1002.444 and their undesignated centerheadings and the subpart heading are removed.

Dated: November 27, 1995.

Shirley R. Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–29461 Filed 12–1–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 1260

[No. LS–95–007]

Beef Promotion and Research; Reapportionment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule adjusts representation on the Cattlemen's Beef Promotion and Research Board (Board), established under the Beef Promotion and Research Act (Act) of 1985, to reflect changes in cattle inventories and cattle and beef imports that have occurred since the Board was reapportioned in 1993. These adjustments are required by the Beef Promotion and Research Order (Order) and would result in an increase in Board membership from 107 to 111, effective with the Secretary's 1996 appointments.

EFFECTIVE DATE: January 3, 1996.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, Agricultural Marketing Service (AMS), USDA, Room 2606–S, P.O. Box 96456, Washington, DC 20090–6456. 202/720–1115.

SUPPLEMENTARY INFORMATION:

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act

This final rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. Section 11 of the Act provides that nothing in the Act may be construed to preempt or supersede any other program relating to beef promotion organized and operated under the laws of the United States or any State. There are no administrative proceedings that must be exhausted prior to any judicial challenge to the provisions of this rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Administrator of AMS has determined that this final rule will not have a significant impact on a substantial number of small entities as defined by RFA since it only adjusts representation on the Board to reflect changes in domestic cattle inventory and imports.

The Board was initially appointed August 4, 1986, pursuant to the provisions of the Act (7 U.S.C. 2901 *et seq.*) and the Order issued thereunder (7 CFR 1260.101 *et seq.*). Domestic representation on the Board is based on cattle inventory numbers, and importer representation is based on the conversion of the volume of imported cattle, beef, or beef products into live animal equivalencies.

Section 1260.141(b) of the Order provides that the Board shall be composed of cattle producers and importers appointed by the Secretary from nominations submitted by certified producer and importer organizations. A producer may only be nominated to represent the unit in which that producer is a resident.

Section 1260.141(c) of the Order provides that at least every 3 years and not more than every 2 years, the Board shall review the geographic distribution of cattle inventories throughout the United States and the volume of imported cattle, beef, and beef products and, if warranted, shall reapportion

units and/or modify the number of Board members from units in order to reflect the geographic distribution of cattle production volume in the United States and the volume of cattle, beef, or beef products imported into the United States.

Section 1260.141(d) of the Order authorizes the Board to recommend to the Secretary modifications in the number of cattle per unit necessary for representation on the Board.

Section 1260.141(e)(1) provides that each geographic unit or State that includes a total cattle inventory equal to or greater than 500,000 head of cattle shall be entitled to one representative on the Board. Section 1260.141(e)(2) provides that States that do not have total cattle inventories equal to or greater than 500,000 head shall be grouped, to the extent practicable, into geographically-contiguous units, each of which have a combined total inventory of not less than 500,000 head. Such grouped units are entitled to at least one representative on the Board. Each unit that has an additional 1 million head of cattle within a unit qualifies for additional representation on the Board as provided in § 1260.141(e)(4). As provided in § 1260.141(e)(3), importers are represented by a single unit, with the number of Board members based on a conversion of the total volume of imported cattle, beef, or beef products into live animal equivalencies.

The initial Board appointed in 1986 was composed of 113 members. Reapportionment based on a 3-year average of cattle inventory numbers and import data, reduced the Board to 111 members in 1990 and 107 members in 1993.

The current Board representation by States or units has been based on an average of the January 1, 1990, 1991, and 1992 inventory of cattle in the various States as reported by the National Agricultural Statistics Service of the Department of Agriculture (USDA). Importer representation has been based on a combined total average of the 1989, 1990, and 1991 live cattle imports as published by the Foreign Agricultural Service (FAS) of USDA and the average of the 1989, 1990, and 1991 live animal equivalents for imported beef products.

Recommendations concerning Board reapportionment were approved by the Board at its July 24, 1995, meeting. In considering reapportionment, the Board reviewed cattle inventories as well as cattle, beef, and beef product import data for the period January 1, 1992, to January 1, 1995. The Board recommended that a 3-year average of cattle inventories and import numbers should be continued. The Board determined that an average of the January 1, 1993, 1994, and 1995 USDA cattle inventory numbers would best reflect the number of cattle in each State or unit since the 1993 reapportionment.

The Board reviewed the March 1995 FAS circular, ''U.S. Trade and Prospects, Dairy, Livestock, and Poultry,'' to determine proper importer representation. The Board recommended the use of a combined total of the average of the 1992, 1993, and 1994 cattle import data and the average of the 1992, 1993, and 1994 live animal equivalents for imported beef products. The method used to calculate the total number of live cattle equivalents was the same as that used in the previous reapportionment of the Board. The recommendation for importer representation is based on the most recent 3-year average of data available to the Board at its July 24, 1995, meeting to be consistent with the procedures used for domestic representation.

On September 8, 1995, AMS published in the Federal Register (60 FR 46781) for public comment a proposed rule providing for the adjustment in Board membership.

The Department did not receive any comments concerning the proposed rule. Thus, the reapportionment of the Board in this final rule is unchanged from the proposed rule. This final rule increases the number of representatives on the Board from 107 to 111. Two States—Iowa and Ohio—lose one member each; three States—Missouri, Montana, and South Dakota—gain one member each; Texas gains two members; and the importer unit gains one member. Nevada loses its only member. Nevada will be merged with Oregon, a contiguous State that has only one member, to form a Western unit. The combined cattle inventory of Nevada and Oregon will entitle the Western unit to two seats on the Board, thus enabling both States to be jointly represented. The States and units affected by the reapportionment plan and the current and revised member representation per unit are as follows:

States	Current representation	Revised representation
1. Iowa	5	4
2. Missouri	4	5
3. Montana	2	3
4. Ohio	2	1
5. South Dakota	3	4
6. Texas	13	15
7. Western	0	2
Nevada	1	.....
Oregon	1	.....

New Board representation for the entire 40 units is shown in the revised § 1260.141(a) contained herein. The new Board reapportionment will become effective with 1996 nominations and appointments.

This action makes final the provisions of the proposed rule published at 60 FR 46781 on September 8, 1995.

List of Subjects in 7 CFR Part 1260

Administrative practice and procedure, Advertising, Agricultural research, Imports, Marketing agreement, Meat and meat products, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, 7 CFR part 1260 is amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for 7 CFR part 1260 continues to read as follows:

Authority: 7 U.S.C. 2901 *et seq.*

2. In section 1260.141, paragraph (a) and the table immediately following it, are revised to read as follows:

§ 1260.141 Membership of Board.

(a) For Board nominations and appointments beginning with those in 1996, the United States shall be divided into 39 geographical units and 1 unit representing importers, and the number of Board members from each unit shall be as follows:

CATTLE AND CALVES [1]

State/unit	(1,000 head)	Directors
1. Alabama	1,677	2
2. Arizona	863	1
3. Arkansas	1,837	2
4. California	4,617	5
5. Colorado	2,967	3
6. Florida	1,977	2
7. Georgia	1,477	1
8. Idaho	1,720	2
9. Illinois	1,813	2
10. Indiana	1,163	1
11. Iowa	4,183	4
12. Kansas	6,067	6
13. Kentucky	2,617	3
14. Louisiana	943	1
15. Michigan	1,210	1
16. Minnesota	2,750	3
17. Mississippi	1,353	1
18. Missouri	4,600	5
19. Montana	2,583	3
20. Nebraska	6,017	6
21. New Mexico	1,437	1
22. New York	1,503	2
23. North Carolina	1,063	1
24. North Dakota	1,857	2
25. Ohio	1,480	1
26. Oklahoma	5,333	5
27. Pennsylvania	1,783	2
28. South Carolina	513	1
29. South Dakota	3,833	4

CATTLE AND CALVES [1]—Continued

State/unit	(1,000 head)	Directors
30. Tennessee	2,450	2
31. Texas	[1] 4,667	15
32. Utah	867	1
33. Virginia	1,713	2
34. Wisconsin	3,883	4
35. Wyoming	1,383	1
36. Northwest		2
Alaska	9	
Hawaii	173	
Washington	1,353	
Total	1,535	
37. Northeast		1
Connecticut	76	
Delaware	30	
Maine	116	
Massachusetts	69	
New Hampshire	49	
New Jersey	67	
Rhode Island	7	
Vermont	292	
Total	706	
38. Mid-Atlantic		1
District of Columbia	0	
Maryland	310	
West Virginia	477	
Total	787	
39. Western		2
Nevada	497	
Oregon	1,420	
Total	1,917	
40. Importer [2]	7,016	7

[1] 1993, 1994, and 1995 average.
[2] 1992, 1993, and 1994 average.

* * * * *

Dated: November 27, 1995.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 95–29459 Filed 12–1–95; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS No. 1654–94]

RIN 1115–AD66

Temporary Alien Workers Seeking H Classification for the Purpose of Obtaining Graduate Medical Education or Training

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: After consideration of comments filed and the relevant issues, the Immigration and Naturalization Service (Service) has decided not to implement one of the changes previously proposed, to preclude the use of the H–1B non-immigrant classification for graduates of foreign medical schools pursuing medical residencies in the United States. However, this rule amends the Service's regulations in other respects by modifying the filing procedures for certain H nonimmigrant petitions involving multiple beneficiaries. The rule allows a petitioner to file a single petition even when the beneficiaries listed on the petition will be applying for nonimmigrant visas at different consulates or for entry into the United States at different Ports-of-Entry, provided that the aliens will be performing the same service or receiving the same training, for the same period of time, and in the same location. This rule further amends the Service's regulations by clearly differentiating between an H–3 alien trainee and an H–3 special education trainee with respect to the time limitations on admission for these types of classifications. This rule will ease the burden on the public when filing H petitions involving multiple beneficiaries and will correct a regulatory inconsistency regarding the limitations on stay for H–3 nonimmigrant aliens.

EFFECTIVE DATE: December 4, 1995.

FOR FURTHER INFORMATION CONTACT: John W. Brown, Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536, telephone (202) 514–3240.

SUPPLEMENTARY INFORMATION: On July 14, 1994, at 59 FR 35866–35867, the Immigration and Naturalization Service (Service) published a proposed rule in the Federal Register addressing three issues within the H nonimmigrant classification. The principal proposal related to the treatment of certain foreign medical graduates seeking to be classified under the H–1B nonimmigrant classification as amended by the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA). The Service proposed that graduates of foreign medical schools should be prohibited from seeking H–1B classification for the purpose of pursuing a medical residency in the United States and that, instead, these aliens should be required to avail themselves of the J–1 nonimmigrant classification. The Service also proposed that those aliens already admitted to the United States as H–1B nonimmigrant aliens for the purpose of pursuing a medical residency be required to seek a change of nonimmigrant status to that of a J–1 nonimmigrant alien to complete the residency. After reviewing the comments received from the public, the Service has decided not to promulgate this portion of the proposed rule.

The comment period for the proposed rule ended on September 12, 1994. In response to the proposed rule, the Service received a total of 325 comments. The following is a discussion of the comments and the Service's response.

Multiple Beneficiaries and Time Limitations on Certain H–3 Trainees

Of the 325 comments received, only one addressed the Service's proposal relating to multiple beneficiaries on H petitions and its proposal regarding time limitations for H–3 alien trainees. The commenter opined that these two proposals comported with Congressional intent and recommended that they be adopted. The Service concurs and accordingly will incorporate those two proposals in the final rule.

Medical Residencies Under the H–1B Nonimmigrant Classification

The Service received 325 comments addressing the issue of medical residencies under the H–1B nonimmigrant classification. Only 11 commenters agreed with the Service's proposal that graduates of foreign medical schools be prohibited from using the H–1B nonimmigrant classification for the purpose of pursuing a medical residency. The remainder of the commenters expressed the opinion that Congress intended that graduates of foreign medical schools be permitted to pursue medical residencies under the H–1B nonimmigrant classification. In addition, 235 of the commenters stated that it was not fair or appropriate for the Service to require that an alien already admitted into the United States as an H–1B nonimmigrant alien in order to pursue a medical residency be required to change his or her nonimmigrant status to a J–1 nonimmigrant alien in order to complete the residency.

In proposing this rule, the Service expressed its opinion that Congress did not intend the H–1B nonimmigrant classification to be used by graduates of foreign medical schools coming to the United States to pursue medical residencies or otherwise receive graduate medical education or training, and that, therefore, these aliens should